

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DR. MICHAEL J. DUBIN,

Plaintiff,

v.

Case No.: 10-cv-713

VERONICA DELCOURT AND GWEN
TORKELSON,

Defendants.

DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendants, Veronica Delcourt and Gwen Torkelson, through their counsel, move to dismiss the Plaintiff's Complaint pursuant to FED. R. CIV. P. 12(b)(6). The Complaint alleges religious discrimination against the Plaintiff, and asserts claims against the Defendants pursuant to 42 U.S.C. §§ 1981 and 1983 ("Sections 1981 and 1983"). Section 1981 provides no remedy for religious discrimination and, absent a viable Section 1981 claim, Plaintiff has no valid claim under Section 1983. Plaintiffs' claims must be dismissed as a matter of law.

This Motion is supported by the record currently before the Court, as well as the accompanying brief.

Dated this 18th day of January 2011.

/s/ Michael D. Huitink

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